

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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CLIFTON J. PANEZICH,

Petitioner,

v.

KEITH J. FOLEY,

Respondent.

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CASE NO. 4:21-cv-00331

ORDER

[Resolving Docs. 1, 17]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Petitioner Clifton Panezich currently serves his five-year period of post-release control for various crimes related to a fraudulent scheme to sell fake sports memorabilia. He brings this habeas corpus action under 28 U.S.C. § 2254.<sup>1</sup>

On January 5, 2024, Magistrate Judge Henderson filed a Report and Recommendation (R&R) recommending that the Court deny Panezich's habeas petition in its entirety and deny him a certificate of appealability.<sup>2</sup> Specifically, Magistrate Judge Henderson found that all of Panezich's claims are either non-cognizable or fail on the merits.<sup>3</sup> Petitioner did not file an objection to the R&R.

The Federal Magistrates Act requires direct courts to conduct a de novo review only of objected-to portions of an R&R.<sup>4</sup> Absent objection, district courts may adopt an R&R without review.<sup>5</sup>

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<sup>1</sup> Doc. 1.<sup>2</sup> Doc. 17.<sup>3</sup> *Id.*<sup>4</sup> 28 U.S.C. § 636(b)(1).<sup>5</sup> *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Failure to timely object may waive a party's right to appeal the district court's order adopting the R&R. *Id.* at 155; *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Case No. 4:21-cv-00331  
GWIN, J.

So, the Court **ADOPTS** the R&R, **DENIES** Panezich's habeas petition in its entirety, and **DENIES** any associated certificate of appealability.

IT IS SO ORDERED.

Dated: January 24, 2024

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE